

City of Las Vegas

RECOMMENDING COMMITTEE AGENDA

RECOMMENDING COMMITTEE MEETING OF: JANUARY 17, 2006

- CALL TO ORDER

MINUTES:

PRESENT: COUNCILMEMBERS TARKANIAN and ROSS

Also Present: DEPUTY CITY MANAGER STEVE HOUCHENS, CHIEF DEPUTY CITY ATTORNEY VAL STEED and DEPUTY CITY CLERK GABRIELA PORTILLO-BRENNER

- ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW

MINUTES:

ANNOUNCEMENT MADE - meeting noticed and posted at the following locations:

City Clerk's Bulletin Board, City Hall Plaza, 2nd Floor Skybridge

Bulletin Board, City Hall Plaza (next door to Metro Records)

Las Vegas Library, 833 Las Vegas Boulevard North

Clark County Government Center, 500 S. Grand Central Parkway

Grant Sawyer Building, 555 E. Washington Avenue

(4:00 - 4:01)

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AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: JANUARY 17, 2006

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

CONSENT DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2006-1 - Updates the zoning regulations that govern off-premise signs, and makes minor revisions regarding the placement of certain on-premise signs. Sponsored by: Councilwoman Lois Tarkanian

Fiscal Impact:

<input checked="" type="checkbox"/>	No Impact	Amount:
<input type="checkbox"/>	Budget Funds Available	Dept./Division:
<input type="checkbox"/>	Augmentation Required	Funding Source:

PURPOSE/BACKGROUND:

This bill updates the zoning regulations that govern off-premise signs and makes minor revisions regarding the placement of certain on-premise signs. The bill is intended to better address sign clutter and to facilitate consistent enforcement and interpretation of the sign regulations. Upon recommendation of the Planning Commission, the bill also expands the corridors along which new off-premise signs are to be excluded.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2006-1

MOTION:

COUNCILMAN ROSS recommended Bill 2006-1 be held in ABEYANCE to the 1/31/2006 Recommending Committee meeting. COUNCILWOMAN TARKANIAN concurred.

MINUTES:

COUNCILWOMAN TARKANIAN declared the Public Hearing open.

COUNCILWOMAN TARKANIAN requested this matter be held to the next Recommending Committee meeting. MARGO WHEELER, Director, Planning and Development, stated that her staff will be arranging a meeting with all the companies that have been in discussions on this matter for the past year. COUNCILWOMAN TARKANIAN opined that a meeting with the industry would be the best venue to verbalize some of the concerns.

PAUL LARSEN, Attorney, 300 South Fourth Street, appeared on behalf of Clear Channel Outdoor. He said he had comments to make on this matter, as well as issues to raise regarding the procedure in which this bill has been promulgated. However, since abeyance has been requested, he welcomes the opportunity to meet with staff and the Council members. He opted to reserve his comments.

COUNCILWOMAN TARKANIAN announced that she requested abeyance because of the number of concerns she has received. Holding it in order to have a meeting is the fairest way to handle this matter.

City of Las Vegas

Agenda Item No. 1

RECOMMENDING COMMITTEE MEETING OF: JANUARY 17, 2006

MINUTES - Continued:

COUNCILWOMAN TARKANIAN declared the Public Hearing closed.

(4:01 - 4:03)

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AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: JANUARY 17, 2006

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC

CONSENT DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2006-2 - Establishes distance separation requirements regarding pawn shops. Sponsored by: Councilwoman Lois Tarkanian

Fiscal Impact:

<input checked="" type="checkbox"/>	No Impact	Amount:
<input type="checkbox"/>	Budget Funds Available	Dept./Division:
<input type="checkbox"/>	Augmentation Required	Funding Source:

PURPOSE/BACKGROUND:

This bill will establish distance separation requirements regarding pawn shops. In particular, it will require new pawn shops to be at least 200 feet from any residential use and at least 1000 feet from any other pawn shop or specified financial institution (including payday loan, check-cashing and similar operations).

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2006-2

MOTION:

COUNCILMAN ROSS recommended Bill 2006-2 be forwarded to the Full Council with a "Do Pass" recommendation. COUNCILWOMAN TARKANIAN concurred.

MINUTES:

COUNCILWOMAN TARKANIAN declared the Public Hearing open.

MARGO WHEELER, Director, Planning and Development, went over the Subject and Purpose/Background sections. She added that the County has the same distance requirement, and it can be waived.

PAUL LARSEN, Attorney, 300 South Fourth Street, appeared representing EZ Pawn Nevada, Inc. He voiced concerns regarding promulgation of this bill under Senate Bill 48 and the notice requirement under NRS, Chapter 237. When this matter was placed on the agenda, a business impact statement was not included, nor was any requested. He requested that this matter be held or that the Committee recommend denial.

With regard to the substantive provisions of the bill, ATTORNEY LARSEN indicated that his client previously voiced concerns about the nature of distance restrictions for financial institutions and whether or not they have a legitimate basis, other than opposition to these types of businesses. However, since the distance restrictions have been adopted, the only time it has been enforced or waived is when competitors sue to keep another financial institution from obtaining a waiver. Which is exactly what his

RECOMMENDING COMMITTEE MEETING OF: JANUARY 17, 2006

MINUTES - Continued:

client predicted when the distance restrictions were initially proposed. Competitors are afraid of competition, and that is why other jurisdictions are looking at other ways to address the issue. He opined that distance restrictions only protect shady operators from competition. What is needed are legitimate operators adjacent to shady operators so that they can be driven out of business. The better operators will be more successful.

Regarding the issue of competition, COUNCILWOMAN TARKANIAN clarified that no competitors have contacted her or anyone from her office. The only calls she has received have been from residents complaining about the saturation of financial institutions. She has also received calls from residents who have been surveyed that were told the competitors want the proposed changes.

ATTORNEY LARSEN pointed out that the City has been sued by an institution that was in place and had the distance restriction waived for a new, better operator. That lawsuit is pending, and it was Consolidated Capital who filed it against Rapid Cash.

MS. WHEELER indicated that to say that the only people who have been interested or testified against the distance requirement are competitors is certainly not the case and far away from the majority. Those that have testified are neighbors with input regarding the distance requirement. She noted that the ordinance is not legally deficient. CHIEF DEPUTY CITY ATTORNEY STEED added that the Council has the discretion to impose the limits being proposed.

Regarding a business impact statement, CHIEF DEPUTY CITY ATTORNEY STEED stated that such a statement was not done for Items 1 or 2, because they are not required for zoning ordinances, as specified under the authority of NRS, Chapter 278.

COUNCILMAN ROSS confirmed with MS. WHEELER that this bill will bring the City in line with the County's existing ordinance regarding separation requirements. He noted that any further concerns could be presented before the Council.

COUNCILWOMAN TARKANIAN declared the Public Hearing closed.

(4:03 - 4:10)

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AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: JANUARY 17, 2006

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

CONSENT DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2006-3 - Amends the time-lines for filing and hearing a work card appeal and repeals the dual filing requirements for a written notice of appeal. Proposed by: Mark R.Vincent, Director of Finance and Business Services

Fiscal Impact:

<input checked="" type="checkbox"/>	No Impact	Amount:
<input type="checkbox"/>	Budget Funds Available	Dept./Division:
<input type="checkbox"/>	Augmentation Required	Funding Source:

PURPOSE/BACKGROUND:

This bill repeals the requirement that written notices of work card appeals be filed with both Metro and the City Clerk and instead requires that they only be filed with the City Clerk. The time for filing work card appeals will be shorten from thirty days to ten days, which then must be heard by the City Council within forty-five days of the filing of the notice of appeal under the proposals of this bill.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2006-3

MOTION:

COUNCILMAN ROSS recommended Bill 2006-3 be held in ABEYANCE to the 2/28/2006 Recommending Committee meeting. COUNCILWOMAN TARKANIAN concurred.

MINUTES:

COUNCILWOMAN TARKANIAN declared the Public Hearing open.

JIM DiFIORE, Manager, Business Services, requested this matter be held until the second Recommending Committee meeting in February. This bill proposes to expand the timeline for appealing work cards, up to 45 days within the appeal period. However, because the Council has raised some concerns about the process, he would like the opportunity to meet with SERGEANT REAGAN ALEXANDER, Las Vegas Metropolitan Police Department (Metro), and conduct a thorough examination of the entire work card code.

COUNCILWOMAN TARKANIAN declared the Public Hearing closed.

(4:10 - 4:12)

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City of Las Vegas

AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: JANUARY 17, 2006

CITIZENS PARTICIPATION: PUBLIC COMMENT DURING THIS PORTION OF THE AGENDA MUST BE LIMITED TO MATTERS WITHIN THE JURISDICTION OF THE COMMITTEE. NO SUBJECT MAY BE ACTED UPON BY THE COMMITTEE UNLESS THAT SUBJECT IS ON THE AGENDA AND IS SCHEDULED FOR ACTION. IF YOU WISH TO BE HEARD, COME TO THE PODIUM AND GIVE YOUR NAME FOR THE RECORD. THE AMOUNT OF DISCUSSION ON ANY SINGLE SUBJECT, AS WELL AS THE AMOUNT OF TIME ANY SINGLE SPEAKER IS ALLOWED, MAY BE LIMITED

MINUTES:

None.

(4:12)

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THE MEETING ADJOURNED AT 4:12 P.M.

Respectfully submitted:

Gabriela Portillo-Brenner, Deputy City Clerk
January 19, 2006